R277. Education, Administration.
R277-403. Student Reading Proficiency and Notice to Parents.
R277-403-1. Definitions.
    A. "Board" means the Utah State Board of Education.
    B. "LEA" means a Utah school district or charter school.
    C. "Midpoint of the school year" means January 15 of each school year unless an LEA identifies an alternative date as the midpoint in a public board meeting no later than September 30 of each year.
    D. "Notification to parents" for purposes of this rule means notice by any reasonable means including electronic notice, notice by telephone, written notice, or personal notice.
    E. "Reading below grade level" for purposes of this rule means that a student requires additional instruction beyond that provided to typically developing peers in order to close the gap between the student's current level of reading achievement and that expected of all students in that grade as determined by valid and reliable assessment.
    F. "Reading remediation interventions" means instruction or activities or both in reading given to students in addition to their regular reading instruction, during another time in the school day, outside school hours, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.
    G. "USOE" means the Utah State Office of Education.

R277-403-2. Authority and Purpose.
    A. This rule is authorized under Utah Constitutional Article X, Section 3 which vests general control and supervision over public education in the Board, by Section 53A-1-606.6(2) which directs the Board to make rules defining reading levels for specific grades, and by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities.
    B. The purpose of this rule is to provide notice, reporting standards and timelines for LEAs and to provide for a report by the Board to the Education Interim Committee as required under Section 53A-1-606.6.

R277-403-3. LEA Responsibilities.
    A. Before the midpoint of the school year, each LEA or school within an LEA, shall identify every student currently enrolled in the school who is in the first, second or third grade who is not reading at grade level.
    B. Each LEA shall notify the parent/legal guardian of each student identified under R277-403-3A as determined by the LEA by the midpoint of the school year.
    C. An LEA shall use at least two different assessments to identify students who are not reading at grade level.
    D. One assessment shall be determined by the USOE.
    E. Each LEA shall select and submit the name or type of the additional assessment to the USOE that it shall use to identify students who are not reading at grade level by September 30, 2010. LEAs need not submit additional assessment information annually unless they change the identified assessment.

F. LEAs shall determine the grade level designation for each selected assessment; the USOE shall provide guidance to LEAs to assist in their designation of grade level for various assessments.

G. LEAs shall provide, upon request, information to parents notified under R277-403-3B of the interventions available for their students from the LEA.

H. LEAs shall provide, as part of the S3 Report, the following information:

(1) the number of students in each of grades 1, 2 and 3 that are reading below grade level; and

(2) the number of students in each grade level that were reading below grade level who received reading remediation interventions.

R277-403-4. USOE Responsibilities.

A. The USOE shall provide guidance to LEAs about available and valid assessments to use in evaluating the reading grade level of students.

B. The USOE shall assist LEAs in determining expected reading levels of first, second and third grade students.

C. The USOE shall report and provide data to the Education Interim Committee consistent with Section 53A-1-606.6(3).

KEY: students, reading, proficiency
Date of Enactment or Last Substantive Amendment: October 11, 2010
Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-606.6(2); 53A-1-401(3)